

ESTTA Tracking number: **ESTTA356982**

Filing date: **07/08/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Minnesota Twins, LLC
Granted to Date of previous extension	07/18/2010
Address	Target Field 1 Twins Way Minneapolis, MN 55403 UNITED STATES
Attorney information	Maryann E. Licciardi Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES mel@cll.com, trademark@cll.com Phone:212-790-9218

Applicant Information

Application No	77813908	Publication date	01/19/2010
Opposition Filing Date	07/08/2010	Opposition Period Ends	07/18/2010
Applicant	Minnesota Wild Hockey Club, L.P. 317 Washington Street St. Paul, MN 55102 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, bandannas, beach cover-ups, belts, body suits, boxer shorts, caps, cloth bibs, coats, dresses, footwear, ear muffs, gloves, hats, headbands, hosiery, housecoats, jackets, jerseys, leggings, leotards, mittens, nightshirts, pajamas, pants, rain coats, rain wear, robes, scarves, shirts, shorts, skirts, socks, suits, sun visors, suspenders, sweaters, sweatpants, sweatshirts, swimsuits, swim trunks, t-shirts, ties, toques, underwear, vests, warm-up suits and wristbands

Applicant Information

Application No	77813912	Publication date	01/19/2010
Opposition Filing Date	07/08/2010	Opposition Period Ends	
Applicant	Minnesota Wild Hockey Club, L.P. 317 Washington Street St. Paul, MN 55102 UNITED STATES		

Goods/Services Affected by Opposition

Class 041.

All goods and services in the class are opposed, namely: Entertainment services, namely professional ice hockey exhibitions

Grounds for Opposition

Other	See attached pleading.
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Attachments	MINNESOTA WILD - Letter to Commissioner.pdf (1 page)(80999 bytes) MINNESOTA WILD - Notice of Opposition 070810.pdf (6 pages)(47542 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Maryann E. Licciardi/
Name	Maryann E. Licciardi
Date	07/08/2010

Cowan, Liebowitz & Latman, P.C.

Law Offices

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Maryann E. Licciardi
Direct (212) 790-9218
mel@cll.com

July 8, 2010

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Minnesota Twins, LLC's
Consolidated Notice of Opposition Against
Minnesota Wild Hockey Club, L.P.'s
Application to Register MINNESOTA WILD (Stylized)
Attorney Ref. No. 21307.032

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 77/813,908 and 77/813,912 published in the Official Gazette on January 19, 2010. Contemporaneously with the electronic filing of this Consolidated Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Maryann E. Licciardi, Esq. of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Maryann E. Licciardi/

Maryann E. Licciardi

Enclosures

cc: Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial Nos. 77/813,908 and 77/813,912

Filed: August 27, 2009

For Mark: MINNESOTA WILD (Stylized)

Published in the Official Gazette: January 19, 2010

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MINNESOTA TWINS, LLC

Opposer,

v.

MINNESOTA WILD HOCKEY
CLUB, L.P.,

Applicant.

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**CONSOLIDATED
NOTICE OF OPPOSITION**

Opposition No.

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Minnesota Twins, LLC (“Opposer”), a Delaware limited liability company with offices at Target Field, 1 Twins Way, Minneapolis, Minnesota 55403, believes that it will be damaged by registration of the following stylized MINNESOTA WILD mark:



(“Applicant’s Mark”) for “Clothing, namely, bandannas, beach cover-ups, belts,

body suits, boxer shorts, caps, cloth bibs, coats, dresses, footwear, ear muffs, gloves, hats, headbands, hosiery, housecoats, jackets, jerseys, leggings, leotards, mittens, nightshirts, pajamas, pants, rain coats, rain wear, robes, scarves, shirts, shorts, skirts, socks, suits, sun visors, suspenders, sweaters, sweatpants, sweatshirts, swimsuits, swim trunks, t-shirts, ties, toques, underwear, vests, warm-up suits and wristbands” in International Class 25 as shown in


Application Serial No. 77/813,908, and for “Entertainment services, namely professional ice hockey exhibitions” in International Class 41 as shown in Application Serial No. 77/813,912 (together, the “Applications”) and, having been granted extensions of time to oppose up to and including July 18, 2010, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned MINNESOTA TWINS MAJOR LEAGUE BASEBALL club (the “Club”).

2. Since long prior to August 27, 2009, Applicant’s constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used names and marks comprising or containing the word MINNESOTA, alone or with other word, letter and/or design elements, including, but not limited to, in a unique, distinctive stylization, including, but not limited to, a star design over the letter “i” and a distinctive, emphatic tail design element in the word MINNESOTA, all associated with Opposer, including,

but not limited to, in the following stylizations:  , 

and  (collectively, “Opposer’s MINNESOTA Marks”), in connection with entertainment services, namely baseball game, competition and exhibition services and a wide variety of goods and services, including, without limitation, clothing and clothing accessories, paper goods and printed matter, sporting good and toys and novelty items. Further, the

following stylized MINNESOTA mark:  , which features a similar stylization and emphatic tail-like design, has been used in connection with entertainment services, namely,

baseball game, competition and exhibition services and apparel (collectively with Opposer's MINNESOTA Marks, "Opposer's Marks").

3. Opposer owns U.S. federal registrations and an application for Opposer's Marks in International Classes 6, 14, 16, 18, 21, 24, 25, 26, 28 and 41; namely, Registration Nos. 1,553,285, 1,550,094, 1,549,088, 1,563,422, 1,594,846 and 2,597,173, and Application Serial No. 85/070,774. Registration Nos. 1,549,088, 1,553,285, 1,550,094, 1,563,422, 1,594,846 and 2,597,173 are incontestable.

4. Since long prior to August 27, 2009, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have extensively promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's Marks, including, but not limited to, entertainment services, namely baseball game, competition and exhibition services and a wide variety of goods and services, including, without limitation, clothing and clothing accessories, paper goods and printed matter, sporting good and toys and novelty items, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales, distribution and promotion of its goods and services bearing or offered in connection with Opposer's Marks, Opposer has built up highly valuable goodwill in Opposer's Marks and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On August 27, 2009, Applicant filed the Applications, based on an intent to use, to register Applicant's Mark for "Clothing, namely, bandannas, beach cover-ups, belts, body suits, boxer shorts, caps, cloth bibs, coats, dresses, footwear, ear muffs, gloves, hats, headbands, hosiery, housecoats, jackets, jerseys, leggings, leotards, mittens, nightshirts, pajamas, pants, rain

coats, rain wear, robes, scarves, shirts, shorts, skirts, socks, suits, sun visors, suspenders, sweaters, sweatpants, sweatshirts, swimsuits, swim trunks, t-shirts, ties, toques, underwear, vests, warm-up suits and wristbands” in International Class 25, and “Entertainment services, namely professional ice hockey exhibitions” in International Class 41.

7. Upon information and belief, Applicant did not use Applicant’s Mark in United States commerce for the goods and/or services covered by the Applications prior to Applicant’s constructive first use date of August 27, 2009.

8. The goods and services covered by the Applications are identical and/or closely related to the goods offered and services rendered in connection with Opposer’s Marks.

9. Applicant’s Mark so resembles Opposer’s Marks as to be likely, when applied to Applicant’s goods and services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s goods and/or services have their origin with Opposer and/or that such goods and/or services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant’s Mark.

10. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant’s Mark would falsely suggest a connection between Applicant, which has no connection with or authorization from Opposer, and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant’s Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Maryann E. Licciardi (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
July 8, 2010

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Maryann E. Licciardi/
Mary L. Kevlin
Richard S. Mandel
Maryann E. Licciardi

1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

CERTIFICATE OF SERVICE

I hereby certify that, on July 8, 2010, I caused a true and complete copy of the foregoing NOTICE OF OPPOSITION to be sent via First Class Mail, postage paid, to Applicant's attorney and Correspondent of Record, Thomas H. Prochnow, NHL Enterprises, L.P., 1185 Avenue of the Americas, New York, New York 10036-2601.

Dated: New York, New York
July 8, 2010

/Maryann E. Licciardi/
Maryann E. Licciardi